

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

HUTCH & ASSOCIATES, INC. d/b/a  
HUTCH'S RESTAURANT and  
DELAWARE RESTAURANT HOLDINGS,  
LLC d/b/a REMINGTON TAVERN &  
SEAFOOD EXCHANGE,

Plaintiffs,

-VS-

ERIE INSURANCE COMPANY OF NEW  
YORK, ERIE INDEMNITY COMPANY  
d/b/a, ERIE INSURANCE GROUP, ERIE  
INSURANCE COMPANY, ERIE  
INSURANCE PROPERTY & CASUALTY  
COMPANY, ERIE INSURANCE  
EXCHANGE, and FLAGSHIP CITY  
INSURANCE COMPANY,

Defendants.

**NOTICE OF MOTION**

Case No. 1:20-cv-00896

MOTION MADE BY : Defendants, by and through their attorneys, Mura & Storm, PLLC, 930 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

DATE, TIME AND PLACE OF HEARING : Date, time and place of hearing to be determined by the Hon. Geoffrey W. Crawford.

SUPPORTING PAPERS : This Notice of Motion; Declaration of Roy A. Mura, Esq. with exhibit dated September 2, 2020, and Defendants' Memorandum of Law in Support with exhibits dated September 2, 2020.

RELIEF DEMANDED AND GROUNDS THEREFORE : An order of this Court pursuant to Fed. R. Civ. P. 12(b)(6) dismissing plaintiffs' amended complaint on the ground that it fails to state a claim upon which relief can be granted; and such other, further and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(B), absent different deadlines set by the Court, plaintiffs shall have fourteen (14) days from the date of this notice to file and serve responding papers to this motion. Defendants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, defendants shall have seven (7) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled by the Court.

Dated: Buffalo, New York  
September 2, 2020



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